

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ORDER RECEIVED FOR FILING
Date 6/1/93
By Mr. Zorah

ORDER RECEIVED FOR FILING
Date 6/1/93
By M. Zovak

-2-

ORDER RECEIVED FOR FILING
Date 6/1/93
By M. Gorch

-3-

ORDER RECEIVED FOR FILING
Date 6/1/93
By M. Gosh

-4-

LES/mean

ORDER RECEIVED FOR FILING
Date 6/1/93
By Mr. Gorkh

-5-

June 1, 1993

Printed on Recycled Paper

ALL _____ OTHER _____

No REVIEW
4/2/93
WCR

93-339-A

5. Since the opening of the Facility in July 1991, the Baltimore County Revenue Authority has sought without success to locate a governmental user for the office/retail space in the Facility. During this time, the space has been vacant.

6. The Revenue Authority has located a commercial tenant for a portion of the office/retail space and has entered into a 10-year lease for that space. Although the Revenue Authority owns the Facility, the change in proposed use from governmental to commercial will require the Facility's compliance with the building and parking setback requirements of the Baltimore County Zoning Regulations.

7. Despite its best efforts, the Revenue Authority has been unable to obtain a governmental tenant for the vacant office/retail space. Because of existing and anticipated economic conditions, it is not anticipated this situation will change. The Revenue Authority will be unable to use the street level office/retail space, unless the requested variances are granted to permit the use of the space by a commercial tenant.

8. Because of the existing 13.5' setback on the first and second floor of the Chesapeake Avenue side of the Facility and the multi-lane roadway on the Towson Boulevard side, a grant of the requested variances will be in harmony with the spirit and intent of the setback regulations.

-2-

351

93-339-A

Zoning Description
to Accompany a Special Hearing and Zoning Variance
in a BMA-CT Zone, 3.17 Acre Parcel, East Side of York Road,

North of Towson Boulevard and South of Chesapeake Avenue,
Ninth Election District, Baltimore County, Maryland



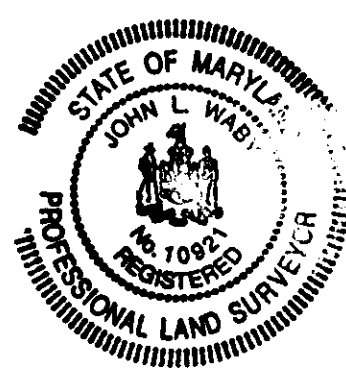
Dick M. Case, William, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the southeast right of way intersection of York Road and Chesapeake Avenue, and at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said York Road with the centerline of Chesapeake Avenue (1) Southwesterly along said centerline of York Road 32 feet, more or less, and thence (2) southwesterly 32 feet, more or less, to the Point of Beginning, thence leaving said beginning, thence running and binding on the southerly side of said Chesapeake Avenue, the following six courses and distances, viz: (1) South 83 degrees 10 minutes 28 seconds East 370.07 feet, thence (2) South 81 degrees 58 minutes 10 seconds East 103.54 feet, thence (3) South 83 degrees 02 minutes 48 seconds East 76.76 feet, thence (4) South 82 degrees 36 minutes 04 seconds East 50.25 feet, thence (5) South 83 degrees 52 minutes 17 seconds East 8.58 feet, thence (6) South 43 degrees 31 minutes 36 seconds East 23.15 feet to the westerly side of Virginia Avenue, thence along said westerly side of Virginia Avenue, the following two courses and distances (7) South 03 degrees 54 minutes 31 seconds 81.64 feet, thence (8) South 41 degrees 12 minutes 35 seconds West 37.07 feet to the northerly side of said Towson Boulevard, thence along said northerly side of Towson Boulevard the following five courses and distances, viz: thence (9) southwesterly by a line curving to the left with a radius of 1951.86 feet, the arc distance of 156.10 feet, said curve being subtended by a chord bearing South 80 degrees 58 minutes 49 seconds West 156.06 feet, thence continue along said north side of Towson Boulevard the following four courses and distances, viz: thence (10) South 78 degrees 41 minutes 21 seconds West 49.80 feet, thence (11) South 89 degrees 49 minutes 05 seconds West 1.85 feet, thence (12) South 85 degrees 26 minutes 05 seconds West 318.47 feet, thence (13) South 87 degrees 47 minutes 10 seconds West 154.23 feet to the easterly side of said York Road, thence along said easterly side (14) North 12 degrees 08 minutes 57 seconds 276.70 feet to the Point of Beginning; containing 3.17 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 2, 1993
Project No. 87133.E



CERTIFICATE OF POSTING
BALTIMORE COUNTY, MARYLAND
TOWSON, MARYLAND

District: 9th
Posted for: Variance
Petitioner: Baltimore County Revenue Authority
Location of property: 111-115 Towson Town Blvd - 100-106 E. Chesapeake Ave.
Location of Sign: Posting on roadway (Towson Blvd) on property of Baltimore Co.
Remarks: None
Posted by: Matthew
Number of Signs: 2
Date of Posting: 4/6/93
Date of return: 4/30/93

CERTIFICATE OF PUBLICATION

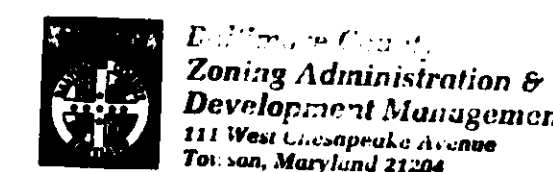
TOWSON, MD., April 16, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 15, 1993.

THE JEFFERSONIAN,

S. Zake Orlmer
Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 108134
DATE: April 22, 1993 ACCOUNT: R-001-6150
AMOUNT: \$ 70.00
RECEIVED BY: Baltimore County Revenue Authority
FOR: Item 351 - POSTING ONLY
33403#00151CHRC \$70.00
VALIDATION OF SIGNATURE OF CASHIER
CASHIER: [Signature]



Date: 4/2/95
ITEM #351 (WCR)
#020 VARIANCE \$250.00

Legal Owner: Baltimore County Revenue Authority
Address: 111-115 Towson Boulevard
100-106 East Chesapeake Avenue

POSTING PAID BY SEPARATE RECEIPT - 2 SIGNS

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-339-A

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: _____ Item No.: 351

Petitioner: BALTO. CO. REVENUE AUTHORITY

LOCATION: 111-115 TOWSON TOWN BLVD. & 100-106 E. CHESAPEAKE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BALTIMORE COUNTY REVENUE AUTHORITY

ADDRESS: 115 TOWSON TOWN BLVD.

TOWSON MD 21204

PHONE NUMBER: 887-3127

AJ:ggg
(Revised 3/29/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-339-A (Item 351)
111-115 Towson Boulevard and
100-106 E. Chesapeake Avenue
9/8 Chesapeake Avenue, N/8 Towson Boulevard, E of York Road
Petitioner(s): Baltimore County Revenue Authority
HEARING: THURSDAY, MAY 20, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit building setbacks from (a) the Chesapeake Avenue and Towson Boulevard property lines of zero ft. in lieu of the required 15 ft., and (b) the centerline of Chesapeake Avenue of 32 ft. in lieu of the required 40 ft.; and to permit parking setbacks of zero ft. from the public right-of-way along Chesapeake Avenue and Towson Boulevard in lieu of the required 10 ft.

Arnold Jablon
Director

cc: Baltimore Co. Revenue Authority
Reginald Truffer, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Keith R. Truffer



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 13, 1993

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 93-339-A, Item No. 351
Petitioner: Baltimore County Revenue Authority
Petition for Variance

Dear Mr. Truffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 16, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for April 19, 1993
Item No. 351

The Development Plan Review Section has reviewed the subject zoning item. A schematic landscape plan should be submitted before consideration of modifying the 10-foot parking setback can begin.

RWB:DAK:s

4-16-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 351 (WCE)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-9451 D.C. Metro - 1-200-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: April 19, 1993

SUBJECT: 111-115 Towsontown Blvd. & 100-106 E. Chesapeake Ave.

INFORMATION:

Item Number: 351

Petitioner: Baltimore County Revenue Authority

Property Size: _____

Zoning: B.M.C.T.

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The proposed Variance requested from Section 235.1 of the Baltimore County Zoning Regulations is to permit building setbacks of 0' in lieu of 15' and from the center line of Chesapeake Avenue of 32' in lieu of 40'; and from Section 409.8(A)4 to permit parking setbacks of 0' from the public right-of-way of Chesapeake Avenue and Towsontown Boulevard in lieu of the required 10'. This request is necessitated due to the proposed 7,000 sq. ft. theater and 14,000 sq. ft. of general offices that would be leased to commercial tenants.

The theater proposal is in keeping with the recommendations in the Towson Community Plan and will help maintain an active retail area in the commercial core that remains open after 5:00 p.m. and until at least 9:00 p.m.

This office supports the requested Variances with the following recommendations:

1. Decorative low level lighting, similar to that utilized at Towson Commons should be added along Chesapeake Avenue and Towsontown Boulevard frontage. This will improve visibility for theater goers and is in keeping with the Towson Community Plan.
2. Replace the Cotoneaster in the tree planters with Sargent Juniper.
3. Replace the trees that have died in planters along Towsontown Boulevard.

351.ZAC/2AC1

Pg. 1

4. Information should be provided concerning any proposed signs for the theater.
5. Add a trash receptacle similar to those used at Towson Commons at the building entrance along Chesapeake Avenue.

Prepared by: *Jeffrey M. Long*

Division Chief: *Barry L. Kenna*

PK/JL:lw

351.ZAC/2AC1

Pg. 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: April 16, 1993

FROM: *Barry L. Pfeiffer, Captain*
Fire Department

SUBJECT: Zoning Petitions

#325	No comments
#327	No comments
#332	No comments
#340	No comments
#341	No comments
#342	No comments
#343	No comments
#344	No comments
#345	No comments
#346	No comments
#347	No comments
#348	No comments
#349	No comments
#350	No comments
#351	The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.
#352	No comments

JLP/dal

cc: File

RECEIVED
APR 20 1993
ZADM

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 20, 1993

Keith R. Truffer, Esquire
102 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #351)
Legal Owner: Baltimore County Revenue Authority
111-115 Towsontown Boulevard
100-106 East Chesapeake Avenue
9th Election District

93-339-A

Dear Mr. Truffer:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
By: John J. Sullivan, Jr.
Planner II

JJS:scj

cc: Zoning Commissioner

Enclosure: Receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Provisional Approval
Permit No: 93-339-A

DATE: 4/1/93

LOCATION: 100-106 East Chesapeake Avenue, Towson 21286

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

- ☒ Owner has filed for a public hearing, Item # 351.
- ☐ Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed: *Kenneth F. Mills, Jr.*
Owner: _____
(Please print clearly)
Name: Kenneth F. Mills, Jr.
Address: 115 Towsontown Blvd.
Towson, MD 21286-3350
Work Phone: 887-3127
Home Phone: _____

WCE
Zoning Office Staff

NORTHEAST TOWSON COMMUNITY ASSOCIATION
410 Virginia Avenue
Towson, Maryland 21286

April 2, 1993

Mr. Kenneth Mills
Baltimore County Revenue Authority
115 Towsontown Boulevard
Towson, Maryland 21286

Re: Conditional Approval of Building Permit
F. Scott Black's Towson Dinner Theater
100 E. Chesapeake Avenue

Dear Ken:

Thank you for meeting with me yesterday regarding your plans for the vacant retail space in the Library Parking Facility, and your desire to obtain a zoning variance to accommodate the tenant, F. Scott Black's Dinner Theater.

I have no objection to the issuance of a conditional building permit, which would be subject to the outcome of the variance hearing. While I have not yet sought the formal endorsement of my association, I am confident that they will not be opposed to the variance. I see the dinner theater as an asset to the business community, and an enhancement to the quality of life for our neighborhood.

If you need anything else, please call me.

Sincerely,
Shelly Jones Hawkins
Shelly Jones Hawkins
President

Baltimore County Revenue Authority
115 TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-3350
TELEPHONE (410) 887-3127
FAX (410) 888-7459

93-339-A

April 2, 1993

Ms. Lisa S. Keir
Legislative Aide
Baltimore County Council
400 Washington Avenue
Towson, MD 21204

Dear Lisa:

I met yesterday with Shelly Hawkins regarding the staging area for the District Court project and our zoning variance for F. Scott Black's Dinner Theater.

On both items, she was fully supportive of our efforts and appreciated that I was advising her of our activities before they became more public (thanks for encouraging me to go see her!). I also agreed to contact the Bureau of Traffic Engineering regarding the institution of the posted two hour parking restriction along Virginia Avenue. Shelly and I are both concerned that construction workers will take all of the parking spaces along Virginia Avenue before 7:00 a.m. and park there all day and restrict access to the residences and businesses along that street. A copy of that request will be sent to you under separate cover.

Sincerely,

Kenneth F. Mills, Jr.
Kenneth F. Mills, Jr.
Executive Director

KFM/mls1E-044

93-339-A

March 30, 1993

RECEIVED
MAR 31 1993

ZADM

Mr. Arnold Jablon
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Commercial Space Usage Variance
100-106 East Chesapeake Avenue - Library Parking Facility
CRG Plan dated January 25, 1989

Dear Arnold:

I am writing to request a conditional approval of our building permit (No. 8157626) pending approval received from a special hearing on a variance for modifications to our CRG Plan for the Library Parking Facility. The issue at hand involves the use of 7,000 square feet of commercial/retail/office space at the street level of the facility. We will file for a special hearing before the Zoning Commissioner by the end of the week and will request an early hearing to resolve the matter.

In the approved plan, the space, which was not in compliance with the BM-CT setback requirements, was designated for governmental use but permitted a future request for a variance for a non-governmental use. Since the opening of the Library Parking Facility in July 1991, we have sought to locate a governmental user for the space. However, the downturn in the economy and reductions in the size of government have made it almost impossible to get a public sector tenant. We have, nevertheless, been fortunate enough to obtain a commitment from a private sector tenant, F. Scott Black's Towson Dinner Theater. We, therefore, would hope that you would permit this use, so we can move forward in obtaining the building permit for the space.

By way of background, I would like to provide you with some relevant information that might assist you in your consideration of this matter.

The Revenue Authority, which is exempt by right from the zoning regulations, planned and built the parking facility to provide an essential public service (parking) for the Towson Library, proposed State District Court that the Towson shopping and business community. The land which is owned in part by the Authority and the County, and the building which is owned solely by the Authority, are financed with 10 year revenue bonds. Street level mercantile space was incorporated into the design of the facility to generate additional revenue for the facility, which would help us keep parking rates as low as possible. We also sought to conform to the guidance provided by the County Review Board and the 1988 Towson Plan (p. 30, 35, 49, 59, 64 & 65) regarding the provision of street level retail or

MR. ARNOLD JABLON
MARCH 30, 1993
PAGE 1

93-339-A

office space in our facility. [It should also be noted that the Towson Community Plan encourages the inclusion of street level retail uses in office and other high rise structures (p. 42, 42 & 44)]. The layout and design of the parking facility above the space forced us to violate the setback requirements along Chesapeake Avenue, but we nevertheless tried to respect the regulations by recessing the front wall of the space 13.5 feet from the right-of-way.

In an earlier ruling by Robert Haines regarding private operators of facilities on County properties (see enclosed letter), Mr. Haines ruled that the County's zoning exemption could not be extended to the operators. However, he provided that factors regarding the user, land ownership and purpose of the activity could be grounds for granting an exception. F. Scott Black's Dinner Theater, which has operated in the area for 11 years, is an excellent complementary use for the Towson core and the parking facility. The dinner theater will contribute nicely to the renewed evening activities in the town core, particularly in East Towson. The theater is also an excellent tenant for the garage because it will not tax the peak day time use of the facility and surrounding road system, which are continuing concerns for everyone in Towson.

In light of all of these factors, it is our hope that you agree with us that the commercial use of this space warrants an exception to the approved use of the CRG plan and grant us the conditional approval of our building permit. If you share this opinion, please sign below and return a copy of this letter to us at your earliest convenience.

Thank you for your time and consideration.

Sincerely,

Kenneth F. Mills, Jr.
Kenneth F. Mills, Jr.
Executive Director

KFM/als1E-037

Enclosures

APPROVED BY: Arnold Jablon, Director
Zoning Administration & Development
Management Office

DATE:

93-339-A

TELECOPY COVER LETTER

FAX NUMBER

(410) 296-7459

5:20 A.M.
(P.M.)

3/29/93
(Date)

FAX NUMBER CALLED:

887-5708

PLEASE DELIVER TO:

Carl Richards

FIRM:

ZADM

FROM:

Ken Mills

WE ARE TRANSMITTING

3

PAGES (INCLUDING THIS COVER LETTER)

FROM A GROUP III MACHINE.

IF YOU SHOULD ENCOUNTER DIFFICULTIES, PLEASE ADVISE IMMEDIATELY

BY CALLING (410) 887-3127 AND ASKING FOR

Mary

NOTES/SPECIAL INSTRUCTIONS:

Carl

Here are your comments from the CRG review on the Library Parking Facility. Thanks for your guidance and willingness to help us.

Ken

93-339-A

3. Correctly describe the use areas by floor in the parking calculations so as not to conflict with the plan print and the required calculations (example - commercial on 2nd and 3rd level and office on grade level).
4. Clarify the parking setback to a street R/W and that the 10' is not required if the facility is screened from the street in accordance with the landscape manual; all parking spaces will be permanently striped; and shade and subtotal all qualifying A.O.S. areas; the street R/W's with a bold line; the "ownership" lines on a separate setback scale; the parking layout and entrance/exit directions on floor plans and indicated on the plan print so as not to conflict with the floor plans; any parking in the district court building.

W. Carl Richards, Jr.
Zoning Coordinator

CR:scj

WEINBERG AND GREEN
ATTORNEYS AT LAW

100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(410) 332-8800
WASHINGTON AREA (301) 470-7400
FACSIMILE (410) 332-8882
30 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-8871
(301) 888-8800
WRITER'S DIRECT DIAL NUMBER
(410) 332-8816

April 9, 1993

VIA FACSIMILE
AND REGULAR MAIL

Honorable Arnold Jablon
Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item 351 - Baltimore County Revenue Authority
Set-Back Variance Request

Dear Director Jablon:

This letter is being forwarded in my role as Chairman of the Baltimore County Revenue Authority. It is extremely important to the Revenue Authority for a prompt hearing on the pending Petition. Your assistance in an expedited hearing would be sincerely appreciated.

Sincerely yours,

Bob Cannon
Robert W. Cannon

1238p/0081/ksm

cc: Mr. Carl Richards
Mr. Kenneth F. Mills, Jr.
Keith R. Truffer, Esquire

RECEIVED
APR 12 1993

ZADM

351

93-339-A



TOWSON
COMMUNITY PLAN

As Adopted By The Baltimore County Council on February 3, 1992

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert W. Cannon
KEN MILLS
Wayne Jensen
Adam Wasserman
HYMAN K. OHEN
Diane Trowbridge
Michael Fisher
Lorne Trower

BCRA
BCRA
TDC 23 W. Chesapeake Ave 21204
Bach Co 23
514 St. Paul St. Balto. MD 21202
Towson Dinner Theatre 100 E. Chesapeake Ave
100 E. PENNA. AVE, TOWSON MD 21206
102 W. Penn Ave Towson 21204



DEVELOPMENT CORPORATION a nonprofit community improvement organization

23 West Chesapeake Avenue • Towson, MD 21204 • (410) 825-2211 • FAX (410) 832-5863

May 20, 1993

**PETITIONER'S
EXHIBIT No 2**

RE: Case# 93-339-A
Townson Dinner Theatre

Dear Mr. Schmidt:

On April 21, 1993, the Tomson Development Corporation's (TDC) Executive Committee discussed the matter involving Case # 93-339-A. TDC would like to go on record supporting the variance request to permit building setbacks from (a) the Chesapeake Avenue and Townsontown Boulevard property line of zero feet in lieu of the required 15 feet, and (b) the centerline of Chesapeake Avenue of 32 feet in lieu of the required 40 feet; and to permit parking setbacks of zero from the public rights-of-way along Chesapeake Avenue and Townsontown Boulevard in lieu of the required 10 feet.

TDC would like to comment on three issues relating to this request. They are as follows: (1) the use of street level space as retail, (2) stabilizing parking rates, and (3) increasing evening entertainment activities.

Street Level Retail - The Towson Dinner Theatre was formerly located at 7800 York Road. It has successfully operated in Towson for over eleven years. The granting of the variance would allow a private sector tenant to occupy ground level space in the Library Parking facility.

This use would be in keeping with the Townsman Community Plan, adopted by the County Council on February 3, 1992, which encourages retail uses (non-office uses) along the street level. The community's desire for this type of development is already evident in several existing highrises. For example, the Legg Mason Building, Washington Avenue; our new office building, 40 West Chesapeake Avenue; and Townsman Commons, York Road - all have predominately street level retail.

OVER

HONORARY BOARD MEMBERS	J. Donald Gendlin PS Graphics Inc.	Henry H. Miller (arrived) Baltimore Gas & Electric Co.	Sidney Silver Commercial & Industrial Realty Corp.	PAST PRESIDENTS
P. Douglas Dillingham Nashuaire Properties, Inc.	Frederick W. Hoam Chenier Paper & Fiber	Leonard S. Ruchlin Rutledge Enterprises Inc.	Investment Advisor & Review	Jack F. Sulzer 1955-1961
Michael J. Gallagher Lopes-Hart Planning	Thomas A. Marshall Marshall & Marshall	Donald J. Swartz Walt & Dinkler Inc.	1962-1968	Richard J. Gallagher 1968-1970
			1970-1974	James H. Starr 1974-1976

PETITIONER'S
WEINBERG AND GREEN
ATTORNEYS AT
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

EXHIBIT No 3

10480 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3506
(410) 740-8500

WRITER'S DIRECT DIAL NUMBER
(410) 332-8816

May 12, 1993

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Case Number 93-339-A
Item 351

Dear Commissioner Schmidt:

This letter is being forwarded by me as Chairman of the Baltimore County Revenue Authority in support of our variance request scheduled for hearing on May 20, 1993 at 9:00 a.m. I have had the pleasure of serving as Chairman of the Revenue Authority since July 1, 1981.

The requested variance from the setback requirements is important to the constituency of the Revenue Authority, the public. The Library Parking Facility was designed so that the structure would be aesthetically sensitive to the surrounding community. In addition, we included the grade level spaces in our design to provide ancillary revenue sources to help hold the net cost of parking for the public to a minimum.

We respectfully suggest that it would create both a practical difficulty and an unreasonable hardship if the requested subpoena were granted. It was of extreme importance to the Authority and to the public that this hearing be scheduled as promptly as possible, even though it conflicted with a previous obligation which I have. If my hearing in the County Office Building which also commences at 9:00 a.m. concludes promptly, I may be able to supplement the contents of this letter with my appearance.

Thank you for your consideration of this request.

Respectfully yours,

Robert W. Cannon

0392p/0081/ksm
cc: Mr. Kenneth F. Mills, Jr.
Keith R. Truffer, Esquire

NORTHEAST TOWSON COMMUNITY ASSOCIATION
410 Virginia Avenue
Towson, Maryland 21286

May 20, 1993

The Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Case Number 93-339-A
Item 351

Dear Mr. Schmidt:

Unfortunately, due to the late change in the time of this hearing and my inability to rearrange my schedule, I can not attend and testify at the special hearing concerning the above referenced case.

Nevertheless, we would like to advise you that the Revenue Authority's request for zoning advice for the Library Refurbishment Facility was discussed and voted upon by our community association at its April 6, 1993 meeting. Our association fully supports the variances, partly in recognition of the benefits that will be brought to our community by one of the proposed tenants, F. Scott Bingham. We also acknowledge that the first floor uses are appropriate complementary activities for the garage and our community.

If you would like to talk with me further about this case, please call me at 494-0620.

Sincerely

Shelly Jones Hawkins
President

[illegible]

